IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5504 OF 2005
IN
CRIMINAL APPEAL NO.790 OF 2005

Shri.Dashrath Punai Gupta ..Applicant
Vs.
State of Maharashtra ..Respondent

...
Mr.S.V.Kotwal i/b M.K.Kocharekar
Advocate for Applicant
Ms.S.V.Gajare A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 1,2005

P.C.

1. Heard both sides.

2. The applicant is seeking bail. The applicant has been convicted under Sections 325 and 324 r.w. 34 of IPC. The learned A.P.P. on instructions states that this is the only case in which the applicant is involved.

3. The learned advocate for the applicant has pointed out that the applicant was on bail pending trial and he has not misused the liberty granted to him. This statement is not controverted by the

prosecution. The learned advocate for the applicant has further submitted that sentence imposed on the applicant is only three years and the appeal preferred by the applicant is not likely to be heard and disposed of within the period of three years.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant-Dashrath Punai Gupta to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up that amount. The applicant shall report at Dharavi Police Station on first Sunday of every month during the pendency of appeal.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]